

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlo Vescovi	Team: Squad #14	CCRB Case #: 202003282	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/06/2020 3:23 PM	Location of Incident: § 87(2)(b)	Precinct: 70	18 Mo. SOL 11/6/2021	EO SOL 5/4/2022	
Date/Time CV Reported Wed, 05/06/2020 8:10 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/14/2020 12:30 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Rawn Browne	09458	963419	070 PCT
2. POM Leon Batson	29265	938037	070 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Leon Batson	Abuse: Police Officer Leon Batson threatened to remove § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Case Summary

On May 6th, § 87(2)(b) called 911 where he was transferred to IAB and filed the following complaint. The CCRB received this complaint on May 14th, 2020.

On May 6th, 2020, at approximately 3:20pm, § 87(2)(b) called 911 to report a stolen check from his residence located at § 87(2)(b) in Brooklyn. PO Leon Batson and PO Rawn Browne, both of the 70th Precinct, responded to the location. PO Browne and PO Batson met § 87(2)(b) outside of his home and informed § 87(2)(b) that he could not file a larceny report regarding his stolen check. PO Batson requested EMS to § 87(2)(b) and allegedly told § 87(2)(b) “You need to go to the hospital” (**Allegation A: Abuse of Authority**, § 87(2)(g)). After a few minutes, an ambulance arrived on scene, at which point § 87(2)(b) left the location hurriedly and did not seek medical attention.

No arrests or summonses resulted from this incident.

§ 87(2)(g), § 87(4-b)

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Leon Batson threatened to remove § 87(2)(b) to the hospital.

The investigation established the following facts: § 87(2)(b) called 911 to report stolen property from § 87(2)(b) on behalf of his friend. After PO Batson and PO Browne arrived on scene, they explained to § 87(2)(b) that he could not file a report on behalf of a third party and PO Batson told § 87(2)(b) that he needed to go to the hospital.

§ 87(2)(b) testified (BR 01) that PO Batson and PO Browne arrived on scene and refused to take a report to document that his friend’s check was stolen. PO Browne asked for § 87(2)(b)’s ID and § 87(2)(b) provided it. PO Browne took a photograph of § 87(2)(b)’s ID and § 87(2)(b) told PO Batson and PO Browne that he was going to take a picture of their vehicle license plate. At that point, PO Batson told § 87(2)(b) that he needed to go to the hospital.

In PO Batson’s testimony (BR 02) he stated that he was familiar with § 87(2)(b) as a ‘transitional house’ wherein those affected by mental illness or substance abuse reside until the city can find them a more permanent living situation. When PO Batson arrived on scene, § 87(2)(b) told him he wanted to file a report of a stolen jacket on behalf of his friend. PO Batson told § 87(2)(b) that he could not file a report on behalf of a third party. PO Batson affirmed that he told § 87(2)(b) “You need to go to the hospital.” PO Batson determined that § 87(2)(b) was an emotionally disturbed person and that § 87(2)(b) was a threat to himself. PO Batson made this determination due to the following factors: PO Batson’s familiarity with § 87(2)(b) as a ‘transitional house’ that boards those with mental illness and substance abuse issues, § 87(2)(b) slurring his words, staring in a different direction, speaking to himself, and his seeming inability to stand up on his own feet. There were no other factors involved in PO Batson’s determination that § 87(2)(b) was a threat to himself.

In PO Browne’s CCRB interview (BR 03) he could not recall if PO Batson told § 87(2)(b) that he needed to go to the hospital. PO Browne testified that § 87(2)(b) was swaying on his feet and his eyes were drooping and that § 87(2)(b) was also talking to himself.

NYPD Patrol Guide, Procedure 221-13 (BR 04), allows officers to take into protective custody a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner in which a police officer reasonably believes is likely to result in serious injury to himself or to others.

PO Batson acknowledged that he told § 87(2)(b) “You need to go to the hospital.” While the Patrol Guide allows for an officer to take into protective custody any civilian who is

conducting themselves in a manner likely to result in serious injury to oneself or others, PO Batson testified that he determined § 87(2)(b) was a threat to himself for the following reasons: § 87(2)(b) s unsteadiness on his feet, slurring his words, talking to himself, and staring in a different direction, as well as PO Batson's familiarity with the incident location as a transitional house where those with mental illness and substance abuse issues reside. Furthermore, PO Browne and PO Batson's testimonies were consistent in describing the range of behaviors § 87(2)(b) exhibited which contributed to PO Batson's determination. § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party.
- PO Batson has been a member of service for 15 years and has been the subject of 21 CCRB complaints and 43 allegations, five of which were substantiated.
 - 201902883 involved substantiated allegations of a forcible removal to hospital and detainment against PO Batson. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - 201807762 involved a substantiated allegation of a retaliatory summons against PO Batson. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - 201705694 involved substantiated allegations of a discourteous action and a refusal to provide name/shield number against PO Batson. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
- PO Browne has been a member of service for three years and has been the subject of one CCRB complaint and one allegation which was substantiated.

- 201807212 involved a substantiated allegation of interference with a recording device against PO Browne. The Board recommended command level instruction and NYPD imposed no penalty.
- § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- As of July 15th, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint. (BR 08).
- § 87(2)(b) [REDACTED]

Squad No.: 14

Investigator: C.V. Inv. Carlo Vescovi 4/21/21
 Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 04/21/2021
 Signature Print Title & Name Date

Reviewer: _____ _____ _____
 Signature Print Title & Name Date